

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Docket No. 3:12-cv-00456-MOC-DSC
(Consolidated with No. 3:12-cv-00474
and No. 3:12-cv-00624)

MAURINE NIEMAN,

Plaintiff,

v.

DUKE ENERGY CORPORATION, JAMES
E. ROGERS, ANN MAYNARD GRAY,
LYNN J. GOOD, STEVEN K. YOUNG,
WILLIAM BARNET III, G. ALEX
BERNHARDT, SR., MICHAEL G.
BROWNING, DANIEL R. DIMICCO, JOHN
H. FORSGREN, JAMES H. HANCE, JR.,
MARC E. MANLY, E. JAMES REINSCH,
JAMES T. RHODES, AND PHILIP R.
SHARP,

Defendants.

**AMENDED ORDER GRANTING
CONSENT MOTION TO WITHDRAW
MOTION TO DISMISS THE
CORRECTED CONSOLIDATED
AMENDED COMPLAINT**

THIS MATTER is before the Court on Defendants' Consent Motion to Withdraw Motion to Dismiss the Corrected Consolidated Amended Complaint (Docket No. 68).

The Court Grants the Consent Motion and Orders as follows:

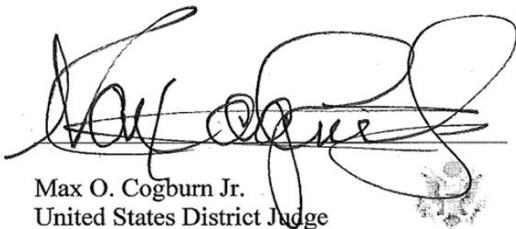
- (1) The Defendants' Motion to Dismiss Corrected Consolidated Amended Complaint (Docket No. 68) is hereby WITHDRAWN, without prejudice to the right of all Defendants to refile the same Motion and supporting materials when and if appropriate;
- (2) All subsequent related briefing and filings are moot, specifically Docket Nos. 69-80;

- (3) In the event Defendants refile a responsive pleading to the Corrected Consolidated Amended Complaint, the previously-filed Motion to Dismiss and supporting materials (Docket No. 68) and all related subsequent briefing and filings (Docket Nos. 69-80) will be deemed refiled in the same form as previously submitted to this Court, with the only additional right of any party to submit a notice of recent authority, if relevant and appropriate under the Federal and Local Rules; and
- (4) No responsive pleading to the Corrected Consolidated Amended Complaint will be due unless and until further ordered by this Court.

The Clerk of Court is instructed to **Strike** the court's previous Order of September 30, 2014.

SO ORDERED.

Signed: September 30, 2014



Max O. Cogburn Jr.
United States District Judge